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REVIEWS.

THE HISTORY OF ENGLISH LAW BEFORE THE TIME OF EDWARD I. By Sir Frederick Pollock and Frederick William Maitland. Cambridge, England: At the University Press. 1895. 2 vols. 8vo.

This work, awaited with eager anticipation by all interested in legal history, came to hand so recently that the examination that its great merits demand must be postponed to a later number of the Review. There is only opportunity here to remark that the distinguished authors have thrown a flood of light upon the darkest period of English law, the two centuries following the Norman Conquest, and have been singularly successful in giving the result of their investigation in a form to excite and hold the interest of the reader.

NEW CRIMINAL PROCEDURE. By Joel Prentiss Bishop, LL.D. Fourth Edition, Vol. I., General and Elementary. Chicago: T. H. Flood & Co. 1895. 8vo. pp. xxvi, 921.

It is always pleasant to get a new volume from Mr. Bishop's pen, even if it is only a new edition. This book has novelty of form, at least. A large part of it has been entirely rewritten, not with any change of sense, but to make the meaning clearer and the language more concise.

His series of works upon the Criminal Law is probably Mr. Bishop's chief contribution to legal learning; and most lawyers will recognize the singular value of it. The subject had enlisted the best efforts of such lawyers of genius as Coke, Hale, Hawkins, Foster, and East; yet Bishop found it a congeries of imperfectly related doctrines, and has left it a science.

The ability of our author rightly to deduce legal principles, and the difference between his methods and those of the ordinary compiler of text-books, is strikingly shown in § 220, in the chapter on Extradition, where the phrase "fleeing from justice" is discussed. In the third edition the paragraph stood thus: "Hence *it seems that* if one commits a crime in a State in which he is not personally present,—as in various circumstances he may,—there is no means by which he can be transferred, against his will, to the place of its commission to be tried,—*a question not, probably, judicially determined.*" In the present edition the words in italics are omitted, and two recent cases are cited in support of the proposition. A still later case may be remembered as having caused considerable discussion,—*State v. Hall*, 20 S. E. 729 (see 8 HARVARD LAW REVIEW, 494). Mr. Bishop, it would seem, nowhere cites two earlier cases to the same effect,—*Jones v. Leonard*, 50 Ia. 106, and *Hartman v. Aveline*, 63 Ind. 344. Both cases were decided in 1878, two years before the date of the third edition.

Another important case which seems to be omitted is *Castro v. Reg.*, 6 App. Cas. 229. The omission of it is the more remarkable, because it fully supports our author's vigorous attack upon the doctrine of *People v. Liscomb* (§ 458, note 1). One cannot assert too positively that the case is nowhere cited, because there is no Table of Cases for this volume,—a serious defect, though of course the table will appear in the second volume when it is issued.

But assuming the worst to be true, and that these and perhaps other important cases have been overlooked, Mr. Bishop, while occasionally omitting an authority, is far more accurate, useful, and trustworthy than most writers who point with pride to the fact that their book cites every decided case on the subject.

No law book to-day ought to omit references to the National Series of Reporters. Without discussing their intrinsic value, its wide use among lawyers renders such a course proper. It is a serious defect in this volume that there seems not to be a reference to that series; even the Federal Reporter is neglected.

J. H. B.

ADOPTION AND AMENDMENT OF CONSTITUTIONS IN EUROPE AND AMERICA.

By Charles Borgeaud. Translated by Charles D. Hazen, Professor of History in Smith College, with an Introduction by John M. Vincent, Associate of the Johns Hopkins University. New York and London: Macmillan & Co. 1895. pp. xxi, 353. Price, \$2.00.

It is a good thing thus to present to our people a translation of Dr. Borgeaud's accurate and valuable treatise,—*ouvrage couronné par la faculté de droit de Paris, Prix Rossi, 1892*. The Introduction states that "the co-operation of the author has been freely given in bringing up to date the changes which have taken place since 1892." "The Origin, Growth, and Character of Written Constitutions" is considered in forty-three pages. "Royal Charters and Constitutional Compacts: I. The German Group; II. The Latin-Scandinavian Group," in eighty-two pages. "Democratic Constitutions: I. United States of America; II. France; III. Switzerland," in two hundred pages. And there is interesting matter in a "Preface" and a "Conclusion."

Dr. Borgeaud's constitutional writings rank among the most careful, the best-informed, and the most instructive for American readers that are to be found anywhere. This translation seems to be generally good. It is odd, however, to see the famous "Council of Revision" of the first New York Constitution filtering back into English as the "Committee on Amendments," through Dr. Borgeaud's accurate enough "*Comité de révision*." An American translator should not have repeated Dr. Borgeaud's slip in citing the case of Woods's Appeal from 75 Penn. State *Records*. And when Dr. Borgeaud says that "*la jurisprudence des faits*" has vindicated a certain opinion, "the course of events" seems but a faint equivalent for the striking phrase of the original.

SELECT PLEAS IN THE COURT OF ADMIRALTY. Vol. I. Being Vol. VI. of the Publications of the Selden Society. Edited by Reginald G. Marsden. London: Bernard Quaritch. 1894.

After a delay of more than two years the publications of the Selden Society are continued, and the series will, we are assured, within a few months be brought up to date. The present volume, while less interesting perhaps to American lawyers than the preceding publications, or those immediately to follow, nevertheless contains much of value. An elaborate introduction discusses satisfactorily the origin of the Admiral's jurisdiction. It appears to have arisen out of the inability of the common law to deal with matters which happened beyond the knowledge of "the country." That jurors could not usually pass on facts happening out-